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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

WRIT PETITION NO. 2021 OF 2003

Petitioner	:	Madhav Singh Chandel, Aged about 36 years S/o Shri N.S. Chandel Resident of Dhamdha, District Durg, Chhattisgarh
	Versus	
Respondents:	1.	State of Chhattisgarh, through its Secretary, Department of Revenue, DKS Bhawan Mantralaya, District Raipur, Chhattisgarh.
	2.	Collector, District Durg, Chhattisgarh.

Present: Dr. N.K. Shukla, Sr. Advocate with Shri Dilip Dubey counsel for the petitioner.
Shri Pankaj Shrivastava, panel lawyer for the respondents.

ORAL ORDER

(7th February, 2006)

1. The petitioner, who was working on the post of Patwari at Tahsil Dhamda, District Durg, was transferred by order dated 23.6.2003 (Annexure P-1) to Tahsil Navagarh, District Durg. The petitioner has challenged the said impugned order dated 23.6.2003 on the ground that the petitioner was office bearer of the Chhattisgarh Patwari Sangh and also Tahsil President of Chhattisgarh Patwari Sangh, District Durg.

2. According to the petitioner, petitioner is protected from transfer by virtue of the circular dated 24.4.1996 (Annexure R-1) for a period of three years. Admittedly, the petitioner has been on the place of posting for a period of about four years. This Court by order dated17.9.2003 directed that the petitioner would not be relieved from the present post. By virtue of said interim order the petitioner continued at the old place of posting till date. The petitioner has got final relief by way of interim order, itself. Now at this stage it is not necessary to go in to the validity of the impugned transfer order. In the facts of the case, it is expedient that the respondents No. 1 and 2 be directed that they will not insist upon the compliance of the

impugned transfer order dated 23.6.2003. However, the respondents/authorities, being employer are at liberty to post the person/employee, in accordance with law, in the public interest and in administrative exigency at any place.

3. In view of the foregoing, the petition stands disposed of. No order as to cost.

Sd/-
Satish K. Agnihotri
Judge